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| 10/797,098 | 03/11/2004 | Chien-Tsung Chen | | 4588 |
| 2292 | 7590 | 03/14/2007 | | |
| BIRCH STEWART KOLASCH & BIRCH | | | EXAMINER | |
| PO BOX 747 | | | TAKELE, MESEKER | |
| FALLS CHURCH, VA 22040-0747 | | | ART UNIT | PAPER NUMBER |
| | | | 2109 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | NOTIFICATION DATE | DELIVERY MODE | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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mailroom@bskb.com

| | | |
|------------------------------|---------------------------|-------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/797,098 | CHEN, CHIEN-TSUNG |
| | Examiner Meseke Takele | Art Unit 2109 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 March 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-15 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 11 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of a certified copy of the 10797098 application referred to in the oath or declaration or in an application data sheet. If this copy is being filed to obtain the benefits of the foreign filing date under 35 U.S.C. 119(a)-(d), applicant should also file a claim for such priority as required by 35 U.S.C. 119(b). If the application being examined is an original application filed under 35 U.S.C. 111(a) (other than a design application) on or after November 29, 2000, the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. See 37 CFR 1.55(a)(1)(i). If the application being examined has entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and Regulations of the PCT. See 37 CFR 1.55(a)(1)(ii). Any claim for priority under 35 U.S.C. 119(a)-(d) or (f) or 365(a) or (b) not presented within the time period set forth in 37 CFR 1.55(a)(1) is considered to have been waived. If a claim for foreign priority is presented after the time period set forth in 37 CFR 1.55(a)(1), the claim may be accepted if the claim properly identifies the prior foreign application and is accompanied by a grantable petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55(c).

Claim Objections

2. Claims 1- 15 are objected to because of the following informalities:

As to claim 1:

(1) The recitation of “a multifunctional menu”, line 5-6, should be – said multifunctional menu --;

(2) The recitation of “said macro instruction icons”, line 8-9, should be – said plurality of macro instruction icons --.

(3) The recitation of “said pressing signal”, line 13, should be – said predetermined pressing signal.

(4) The recitation of “the human interface”, line 7, should be – a human interface --.

As to claim 9:

The recitation of “the macro instruction icons”, line 9 -10, should be – said plurality of macro instruction icons --.

3. Claims 2-8 and 10-15 are objected to for being dependent upon an objected to base claim.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to Claims 6 and 7, it is not clear to which element the term "said predetermined key" refers as the term lacks antecedent basis. Nonetheless, for the purpose of expedited prosecution, the examiner has regarded the term "said predetermined key" to be "a predetermined key".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1- 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakano et al. (US Pub. No: 2004/0100479).

As to claim 1, Nakano disclose, a method to process a multifunctional menu (example multifunctional, paragraph [0148]) of a human input device, (example, personal digital assistance, see paragraph [0002]) said method being applied on a window (example, window, see paragraph [0064]) operating system (example, operating system, see paragraph [0206]) having a plurality of window application programs (example, plurality of application software, see paragraph [0003]) comprising the following steps:

(A). Providing a menu operated via said human input device, (example, PDA, see paragraph [0006]) wherein said menu comprises: an auto-scroll menu for indicating function of scrolling, and a multifunctional menu for operating a plurality of window application programs with the human interface (example, scroll, menu, see Paragraph [0006], [0007] and abstract), wherein said multifunctional menu includes a plurality of macro instruction icons (example, element 33, see figure 26A –26C) a plurality of instruction icons (as shown in Figure 26A-26C, which the examiner considering to be only the picture icon associated with each entry 33) corresponding to said macro instruction icons and a first switching icon (example, switch, see paragraph [0010]) used on said multifunctional menu for switching to said auto-scroll menu, which includes a second switching icon for switching to said multifunctional menu(see paragraph, [0501],[0486],figure 51 and 53A-C) (example, switching between , see Paragraph [0064]):

(B). Receiving a predetermined pressing signal of said human input device (example, signal, pressed, see paragraph [0390]):

(C). Displaying said menu in a popup mode according to said pressing signal of step (B); (see, figure 24B):

(D). Receiving input signals of icons selected by said human input device on said menu (example, input signal, see paragraph [0397] and figure 24B) and:

(E). Executing commands in correspondence with said input signals of step (D); (see figure 40A-B); wherein, the macro instruction icons are human operating interfaces (example, element 33, see figure 26A and paragraph

[0005]); to join said multifunctional menu with multiple layers as (example, application layers from B-F, see figure 26A, application layers from D-H, figure 26B and application I-K, figure 26C) a single display frame instead of multiple layers of display frames so as to offer a user an environment of single operation and a simple and tidy display frame (example, application layers from A-K, see figure 1). In other words, the application layers of each of figures 26A – 26C can be displayed in a single display frame as shown in figure 1 for example.

As to claim 2, Nakano disclose, wherein steps (A) to (E) are implemented by way of encoding as program codes (example, various programs and data, see paragraph [0155]).

As to claims, 3 and 10, Nakano disclose, wherein said human input device can be a touch pad (example, touch panel 104, see paragraph [0151] and figure 1).

As to claims 4 and 11, Nakano disclose, wherein said instruction icons are for operating said window application programs (example, icons representing application software programs and/or documents and their names are displayed in sets, see paragraph [0005] and figure 24B).

As to claims 5 and 12, Nakano disclose, wherein the instruction icons are used for operating the window (example, window, see paragraph [0054] operation system (example, operating system, see paragraph [0206])).

As to claims 6 and 13, Nakano disclose, wherein said predetermined key is one of a middle key, a third key, a fourth key, a fifth key and a further added key of a mouse (example, escape key, power key, see paragraph [0276]).

As to claims 7 and 14, Nakano disclose, wherein said predetermined key is one key or one of a group of keys (see paragraph [0005] and paragraph [0276] and figures 24A - 24B elements 14, 15 and 16).

As to claims 8 and 15, Nakano disclose, wherein said menu is one of which the content is adapted for updating (example, update the menu, see paragraph [0237]).

As to claim 9, Nakano disclose, human input system (example, personal digital assistance, see paragraph [0002]) applied on a window (example, window, see paragraph [0064] operating system (example, operating system, see paragraph [0206]) having a plurality of window application programs (example, plurality of application software, see paragraph [0003]) comprising:

A human input device (example, personal digital assistance, see paragraph [0002]) and providing a pressing signal of a predetermined key (example, signal, pressed, see paragraph [0390]) a menu operated by said human input device, (see figure 1) further comprising and a multifunctional menu for operating a plurality of window application programs with human interface operation (see paragraph [0005] and figure 1) wherein said multifunctional menu includes a plurality of macro instruction icons, (example, element 33, see figure 26A – 26C) a plurality of instruction icons (as shown in Figure 26A-26C, which the examiner considering to be only the picture icon associated with each entry 33) corresponding to the macro instruction icons, and a first switching icon (example, switch, see paragraph [0010]) for switching to said auto-scroll menu; (example, scroll, menu, see Paragraph [0006], [0007] and abstract) said auto-

scroll menu includes a second switching icon used for switching said auto-scroll menu to said multifunctional menu; (see paragraph, [0501],[0486],figure 51 and 53A-C) , (example, switching between , see Paragraph [0064]) and program codes, (example, various programs and data, see paragraph [0155]) being used in said human input device to execute in the window operation system for accessing following procedures:

Receiving said pressing signal induced by said predetermined key of said human input device (see paragraph [0150] and figure 1) displaying said menu in a popup mode according to said pressing signal; (example, displaying menu items, see abstract and figure 2A-2D) receiving input signals of icons selected on said menu by said human input device; (see figure 40A) and executing commands in correspondence with said input signals of said icons (see figure 40B) wherein, the macro instruction icons are human operating interfaces (example, element 33, see figure 26A and paragraph [0005]) to join said multifunctional menu with multiple layers as (example, application layers from B-F, see figure 26A, application layers from D-H, figure 26B and application I-K, figure 26C) a single display frame instead of multiple layers of display frames so as to offer a user an environment of single operation and a simple and tidy display frame (example, application layers from A-K, see figure 1). In other words, the application layers of each of figures 26A – 26C can be displayed in a single display frame as shown in figure 1 for example

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant disclosure.

Kent (US Patent number 5,528,260) is cited to teach method and apparatus for proportional auto-scrolling.

Kamieniecki (US Patent number: 5,969,835) by is cited to teach automated infrared test signal generator.

Ghassabian (US Pub No: 2004/0047505) by is cited to teach the stylus computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meseke Takele whose telephone number is (571) 270-1653. The examiner can normally be reached on Monday - Friday 7:30AM- 5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571) 272-2100. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT



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SUPERVISORY PATENT EXAMINER